G.R.S. IX—5]

Previous references.
do 146-21 (1-6)
" 261-22 (2-4)
" 124-23 (1-3)
Later references.
do 61-36 (1-2)
" 86-36-24
C/S Dep (S. No 4381/41)

1923.
Courts)

File No. 124-23
Serial Nos. 3 & 5

preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two

Part B for April 1924

SUBJECT

Revision of the rates of batta to witnesses attending civil courts

---

Note No 5749 of 12-4-24 to the compiler

Revised rates of batta to witnesses in civil cases.

Ramaswamy Iyengar
28/4/24

G. R. S. 11] 1924

GENERAL AND REVENUE SECRETARIAT.

(65)

NOTES.

File No. 124

FILE HEADING.

Revision of the rates of batta to witnesses attending civil courts

From

The Regr. Kilimj Court

Roc No. 805 Dated 4. 3. 24 Received 10. 3. 24

Diary No. 3828	Enclos. 1	Spare Copies	Serial No. 4

BRIEF ABSTRACT OF LETTER.

Forwards a revised list of rates of mileage to witnesses attending civil courts and requests sanction to the same.

NOTES AND ORDERS.

In the Representatives Assembly and the Legislature Council Representations were made that the revised rates of batta to witnesses attending civil courts proved an undue hardship to parties. The Regr. says that representations were also

3826/P

G. R. S. III-2.

General and Revenue Secretariat. — File No. 124 of 1924

Serial No.

not for changing the rates perhaps with a view to keep in conformity with the increased cost of living. They have now proposed a rate of mileage favourable to the parties as regards the last class of witnesses. In the revised rate now proposed, witnesses have now been divided into 4 classes, persons whose monthly income is below Rs 50/- is classed in the fourth class and the mileage rate is 1½ anna per mile to this class of witness. The chief contention that this will relieve to a great extent the hardship complained of. The old subsistence allowance is kept as. Submitted for orders

The proposal meets to a certain extent the complaints made by parties. May be approved.

11/3/24

Sd/ Secy

cay 15/3

It is proposed to allow half an anna per mile ~~a mile~~ to persons whose income does not exceed Rs 50 per month. If they are unable to walk any distance, etc, or are allowed Rs 1 per day to pay

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | No. File No. 1766 of 1912.

Serial No.

The Madras rate of hire
2 pence per 10 miles is
too low.

The proposal may be kept
before me & draft
notification issued

8062/1913 1st Member

8/4/13 cay 4/3

What does 'unable to walk' mean
does it mean unable to walk an
assumed distance or local habits,
sickness or physical degeneracy. Some
point may be made clear.

Sd
29/3

Sd
31/3 cay 3/4

Kind attention is invited to the
exception (marked in blue pencil) to the
draft notification accompanying the Chief
Comm- letter. The term has been defined

8168/3/4/13

NOTE—Contn. sheet.

(1st member) All right. Draft approved.
Notification issued Sd
7/4

From cay 8/4 5/4 cay 3/4

3828

4

G. R. S. III-2]

General and Revenue Secretariat.

C.S. File No. 124 of 1923-4

Serial No.	
5	To The Compiler, Mysore Gazette No. S. 5749 dt 12.4.24. Publishes the revised rules of Costs to Pleaders in Civil cases.

B
2014

28213

Immediate.

CHIEF COURT OF MYSORE

Telegraphic Address. "JUSTICE"

Bangalore, dated 4th March 1924

Rec No. 805 / Swane

3828 P.

GENL. & REV. SECTT. FROM Br. - MAR. 1924 TO G. D.

A. SREENIVASARAGAVACHARI, Esq., B.A., B.L.,
Registrar, Chief Court of Mysc

B.Nagappa, Esq., Bar-At-Law,

Secretary to Government,
Local & Legislative Departments,
BANGALORE

SIR,

I am directed to advert to Government Notification No.J. 4361/Cts.146-21-6 dated 15th March 1922 as modified by Notification No.P.504/Cts.261-22-4 dated 25th July 1923 prescribing rates of batt to witnesses in civil cases, and to G.O.No.P.4373-81/Cts.124-23-3 dated 6th February 1924 stating that the working of the present rate may be watched for some time.

2. Prior to the receipt of the last mentioned order pers ent representations had been received from various quarters that the rates of witness batta prescribed for witnesses of the last class und the revised rules are unduly high and productive of hardship so far a the mileage rates are concerned, especially in the case of witnesses coming from a distance. The question of modifying these rates was accordingly taken up by the Chief Court and District Judges were consulted in the matter.

3. On a careful consideration of the question and as a result of the experience gained so far in the working of the new rules, the Chief Court is of opinion that the rates require modification, but that instead of reducing the rates for all witnesses coming under the present third class, it seems better and sufficient to have a separat-

mileage

mileage rate for witnesses having an income below Rs 50/-. In the case of these, mileage may be allowed at half an anna per mile or, if the witness is unable to walk, one anna per mile, leaving the subsistence allowance at 8 annas as at present. The alteration if introduced will remove all reasonable ground for complaint on the part of litigants as to the onerous character of the present rate of mileage in the case of witnesses of the last class. It may be mentioned that in Madras the rate is two annas for 10 miles for witnesses who can walk, but this at the present day seems too low.

If this proposal is accepted by Government, it will be necessary to slightly amend the Government Notifications referred to above in this letter. I am to enclose a draft Notification for the consideration of Government which, if approved, may be issued.

I have the honor to be,

S i r,

Your most obedient servant,

Theenis Aloysius 5/3

REGISTRAR.

HCC.

Second class.	Single Second class.	Single second class or lowest class-~~fair~~ fare where there are only two classes.	Four annas per mile	Twel anna
First Class. 3 8	The presiding Judge of each court may decide and allow single first class fare where he is satisfied that the witness habitually travels by the highest class available in public conveyances, in other cases, single second class only. 8 15		Eight annas per mile. 14	One rupee eight annas 8-

Note.- 1. In special cases where the above rule would work hardship, it shall be discretionary with the Judge to allow a witness such additional sum as he may consider reasonable to ~~@@~~cover bona fide expenses incurred by him in travelling.

2. For witnesses following any profession such as medicine or law, special allowance according to circumstances may be granted by the Judge for loss entailed upon him by his absence.

3. In the case of European and East Indian witnesses, subsistence allowance for a day will be double of what is shown above.

4. Where the witness resides in the same station where the court house is situated, it will be discretionary with the Judge to allow reasonable hire for conveyance (if one is used) in accordance with the status of the witness instead of the subsistence allowance.

Exception:- Witnesses of the fourth class are not entitled to any travelling allowance, but only to subsistence allowance, in cases in which the distance to be travelled is within five miles of the court house: provided that where a witness of this class is unable to walk owing to infirmity or old age or a conveyance is actually used, the Court may grant a mileage at the usual rates or the actual charges for conveyance whichever is less.

Theenisa Rajasekhara
5/5/26

B.Nagappa,

Gazette Notice Secretary to Government,

Local and Legislative Departments.

To

The Compiler, Mysore Gazette for publication in the Gazette

and with a request that the above may be returned when done with.

SPM

~~DRAFT~~ NOTIFICATION.

No P 5749 Dated..12..4..April....1
CS 124-23-5

Under the provisions of Rule 2, Order XVI, of the Code of Civil Procedure, 1911, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following rates of batta to witnesses in civil cases, in supersession of those prescribed in Notifications No.J.4361-Cts.146-21-6 dated 15th March 1922 and P.504/Cts.261-22-4 dated 25th July 1923.

2. Witnesses will be divided into four classes -

Fourth Class :- Persons whose monthly income is below Rs 50/-.

Third Class :- Persons whose monthly income is Rs 50/- and above but below Rs 100/-.

Second Class:- Persons whose monthly income is Rs 100/- and above but below Rs 250/-

First Class :- Persons whose monthly income is Rs 250/- and above

3. The following will be the scale of allowances to witnesses.

Class of witness.	Travelling allowance for journey to and from court house where the latter is in a different station from that of the witness.			Subsistence allowances including expenses per day.
	By rail	By road		
		Where there is a public conveyance such as a motor bus plying for hire.	Where there is no public conveyance plying for hire.	
Fourth Class.	Single lowest class fare	Single lowest class fare.	½ anna per mile or if witness is unable to walk 1 anna per mile.	Eight annas
Third Class.	-do-		Two annas per mile.	

LOCAL AND LEGISLATIVE SECRETARIAT.

No. P. 5749—*Cts.* 124-23-5, *dated* 12*th April* 1924.

Under the provisions of Rule 2, Order XVI, of the Code of Civil Procedure, 1911, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following rates of batta to witnesses in civil cases, in supersession of those prescribed in Notifications No. J. 4361—Cts. 146-21-6, dated 15th March 1922 and P. 504—Cts. 261-22-4, dated 25th July 1923:—

2. Witnesses will be divided into four classes-

Fourth Class.—Persons whose monthly income is below Rs. 50.

Third Class.—Persons whose monthly income is Rs. 50 and above but below Rs. 100.

Second Class.—Persons whose monthly income is Rs. 100 and above but below Rs. 250.

First Class.—Persons whose monthly income is Rs. 250 and above.

3. The following will be the scale of allowances to witnesses:—

Class of witness	Travelling allowance for journey to and from court-house where the latter is in a different station from that of the witness			Subsistence allowances including expenses per day
	By rail	By road		
		Where there is a public conveyance such as a motor bus plying for hire	Where there is no public conveyance plying for hire	
Fourth class ..	Single lowest class fare.	Single lowest class fare ..	Half anna per mile or if witness is unable to walk one anna per mile.	Eight annas
Third class ..	Do ..	Do ..	Two annas per mile ..	Do
Second class ..	Single second class.	Single second class or lowest class fare where there are only two classes.	Four annas per mile ..	Twelve annas
First class ..	The presiding Judge of each court may decide and allow single first class fare where he is satisfied that the witness habitually travels by the highest class available in public conveyances, in other cases, single second class only.		Eight annas per mile ..	One rupee eight annas.

NOTE.—1. In special cases where the above rule would work hardship, it shall be discretionary with the Judge to allow a witness such additional sum as he may consider reasonable to cover *bona fide* expenses incurred by him in travelling.

2. For witnesses following any profession such as medicine or law, special allowance according to circumstances may be granted by the Judge for loss entailed upon him by his absence.

3. In the case of European and East Indian witnesses, subsistence allowance for a day will be double of what is shown above.

4. Where the witness resides in the same station where the court house is situated, it will be discretionary with the Judge to allow reasonable hire for conveyance (if one is used) in accordance with the status of the witness instead of the subsistence allowance.

Exception:—Witnesses of the fourth class are not entitled to any travelling allowance, but only to subsistence allowance, in cases in which the distance to be travelled is within five miles of the court house: provided that where a witness of this class is unable to walk owing to infirmity or old age or a conveyance is actually used, the Court may grant a mileage at the usual rates or the actual charges for conveyance whichever is less.

By Order,
B. NAGAPPA,
Secretary to Government,
Local and Legislative Departments.